

CLERK US DISTRICT COURT  
NORTHERN DIST. OF TX  
FILED

IFP  
ORIGINAL

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

2011 JUN 17 AM 11:00

DEPUTY CLERK

McE

Wayne H. Norman  
Plaintiff

V.

Civil Action No.

RJM Acquisitions, LLC  
Defendant

8-11CV1330-D

**COMPLAINT**

Jurisdiction

1. This is an action under the Fair Credit Reporting Act, ("FCRA"), 15 U.S.C. section 1681 et seq. and the Fair Debt Collections Practices Act, ("FDCPA"), 15 U.S.C. section 1692a et seq.
2. Jurisdiction in this case is founded upon 15 U.S.C. section 1681p which grants the United States District Courts jurisdiction to hear this action without regard to the amount in controversy.

Parties

3. The plaintiff is Wayne H. Norman.
4. Defendant, RJM Acquisitions, LLC (RJM) is a New York business corporation, at 575 Underhill Blvd. Suite 224 Syosset, NY 1179, whose primary business is debt collection from consumers.

Cause of Action

**Facts**

5. On 5/19/2011, the plaintiff spoke with a representative from (RJM) named Ms. Johnson. The plaintiff expressed his concerns about repeated

unauthorized inquiries on his credit file submitted by (RJM). Ms Johnson advised the plaintiff that "they are only inquiries and perfectly harmless."

(see exhibit #1)

6. On 5/20/2011, plaintiff sent (RJM) a certified letter number: 70091410000119503416. This letter was a notice of intent to sue.

(see exhibit #2)

7. On or about 6/7/2011, plaintiff received a response letter from Douglas I. Greenberg, Director of Compliance for (RJM). Mr. Greenberg claims that (RJM) has never pulled a credit report from the plaintiff in reference to above account, but admits that "the inquiries to which you refer is a program available to creditors/debt collectors that provides address updates,..."

(See exhibit #3)

8. On 6/14/2011, plaintiff spoke with Mr. Greenberg via telephone to attempt to resolve the matter without court action. Mr. Greenberg advised plaintiff that (RJM) had a permissible purpose to obtain the credit file because they owned the account, and that if plaintiff were to file a lawsuit against his company, they (RJM) would retaliate by filing a counter-suit for filing a frivolous claim.

9. RJM Acquisitions, LLC (RJM) has repeatedly violated the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. section 1681 et seq. and the Fair Debt Collections Practices Act, ("FDCPA"), 15 U.S.C. section 1692e, by obtaining without any FCRA-sanctioned purpose, and without authorized consent, a credit report on Wayne H. Norman from Experian Information Solutions, a credit reporting agency.

10. The Courts have established and explicitly adopted that only a "judgment creditor" has a permissible purpose to receive a consumer report on the "judgment debtor" for use in connection with collection of the debt without the consumers consent. See **Pintos v. Pacific Creditors Association (9th cir. 2007) 504 F. 3d 792**. (RJM) is not a "judgment creditor". (RJM) does not have a judgment against plaintiff. (RJM) did not have plaintiff's permission to obtain credit report.

### Liability

11. Under the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. section 1681n, as well as the Fair Debt Collections Practices Act ("FDCPA"), 15

U.S.C. section 1692k(2)(A), "any person who willfully fails to comply with any requirement imposed under this title with respect to any consumer is liable to that consumer in an amount equal to the sum of,...not less than \$100 and not more than \$1000..."

*Claim for Relief*

12. The Defendant violated 15 U.S.C. section 1681 et seq. and 15 U.S.C. section 1692e, on 06/27/2010, by obtaining without any FCRA-sanctioned purpose, and without authorized consent, a credit report on Wayne H. Norman from Experian Information Solutions, a credit reporting agency

13. The Defendant violated 15 U.S.C. section 1681 et seq. and 15 U.S.C. section 1692e, on 07/14/2010, by obtaining without any FCRA-sanctioned purpose, and without authorized consent, a credit report on Wayne H. Norman from Experian Information Solutions, a credit reporting agency

14. The Defendant violated 15 U.S.C. section 1681 et seq. and 15 U.S.C. section 1692e, on 09/04/2010, by obtaining without any FCRA-sanctioned purpose, and without authorized consent, a credit report on Wayne H. Norman from Experian Information Solutions, a credit reporting agency

15. The Defendant violated 15 U.S.C. section 1681 et seq. and 15 U.S.C. section 1692e, on 12/19/2010, by obtaining without any FCRA-sanctioned purpose, and without authorized consent, a credit report on Wayne H. Norman from Experian Information Solutions, a credit reporting agency

16. The Defendant violated 15 U.S.C. section 1681 et seq. and 15 U.S.C. section 1692e, on 12/23/2010, by obtaining without any FCRA-sanctioned purpose, and without authorized consent, a credit report on Wayne H. Norman from Experian Information Solutions, a credit reporting agency

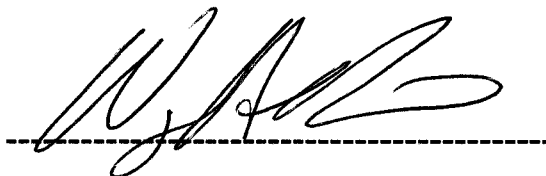
17. As a result of the above violations of the FCRA and the FDCPA, the Defendant is liable to the Plaintiff for declaratory judgment that Defendant's conduct violated the FCRA, and the FDCPA, and Plaintiff's statutory damages, and costs of filing fees.

WHEREFORE, Plaintiff respectfully prays that judgment in a sum of \$10,350 be entered against the Defendant for the following:

- a. Statutory damages for each violation pursuant to the FCRA 15 U.S.C. section 1681n and the FDCPA 15 U.S.C. section 1692k (2)(A)
- b. Cost of filing fees,

c. and such other relief that the court feels is just and proper

**Wayne H. Norman**

A handwritten signature in black ink, appearing to read 'Wayne H. Norman', is written over a horizontal dashed line.

2803 Riverside Parkway Apt. 806

Grand Prairie, Texas 75050

(817) 899-0460

## Address:

1111 POLARIS PKWY # 54101-3L  
COLUMBUS OH 43240  
*No phone number available*

## Date of Request:

03/01/2011

**CHASE**

## Address:

1111 POLARIS PKWY  
COLUMBUS OH 43240  
*No phone number available*

## Date of Request:

02/28/2011

**JP MORGAN CHASE**

## Address:

1111 POLARIS PKWY # 54101-3L  
COLUMBUS OH 43240  
*No phone number available*

## Date of Request:

02/26/2011

**ENHANCED RECOVERY CO LLC**

## Address:

8014 BAYBERRY RD  
JACKSONVILLE FL 32256  
*No phone number available*

## Date of Request:

02/22/2011

**PROSPER MARKETPLACE INC**

## Address:

111 SUTTER ST FL 22  
SAN FRANCISCO CA 94104  
*No phone number available*

## Date of Request:

01/21/2011

**RJM ACQUISITIONS LLC**

## Address:

575 UNDERHILL BLVD STE 284  
SYOSSET NY 11791  
(516) 714-1310

## Date of Request:

12/23/2010, 12/19/2010, 09/04/2010,  
07/14/2010, 06/27/2010

5/20/2011

RJM Acquisitions, LLC  
575 Underhill Blvd Suite 224  
Syosset, NY 11791-3416

**RE: NOTICE OF INTENT TO SUE**  
**UNAUTHORIZED INQUIRIES**

To whom it may concern:

This letter shall serve as formal notice of my intent to file a lawsuit against your company, due to your blatant and objectionable disregard of the law.

On 5/19/2011, I spoke with a representative of your agency named Ms. Johnson. I told her about my concerns of repeated unauthorized inquiries on my credit file submitted by your collection agency. (see exhibit #1) She advised me that "they are only inquiries and perfectly harmless."

Be advised, I did not permit your agency to review my credit file, nor do your collection agency qualify under the "permissible purposes" clause to view my credit file. Unless you can provide me with written authorization that I signed to have you review my credit file on 12/23/2010, 12/19/2010, 09/04/2010, 07/14/2010, and 06/27/2010. I am prepared to file separate claims for each violation in Small claims court as well as Federal court pursuant to FDCPA section 1692 (e), and FCRA section 604 and seek damages totalling \$1,000 per violation prescribed under FCRA section 616(b), and FDCPA section 813.

If you wish to resolve this matter without court action, I will accept a payment of Three thousand five hundred and no cents (\$3,500) within ten (10) days of return receipt of this letter. If I do not hear from a representative of your agency within the prescribed time, I will initiate said claims. How do you want to handle this?

I may be reached via email **ONLY** at: **whnorman@hotmail.com.**

Respectfully,

Wayne Norman  
2803 Riverside Parkway Apt. 806  
Grand Prairie, Texas 75050  
(817) 899-0460 cellular  
70091410000119503416

**RJM ACQUISITIONS LLC**  
**SUITE 224**  
**575 UNDERHILL BLVD**  
**SYOSSET, NY 11791**  
**1 (800) 541-0824 Toll Free**  
**Fax # (516) 714-1325**

**Douglas I Greenberg**  
**Director of Compliance**

June 3, 2011

Mr. Wayne H. Norman  
2803 Riverside Parkway, Apt 806  
Grand Prairie, TX 74050-8738

<b>Re:</b>	<b>Original/Previous Creditor:</b>	<b>Samuels</b>
	<b>Samuels Account Number:</b>	<b>Ending w/3731</b>
	<b>RJM File Number:</b>	<b>1007512122</b>

Dear Mr. Norman:

RJM Acquisitions LLC is in receipt of your recent letter concerning the above referenced account.

In response to your letter, please be guided by the following: A *Samuels* account was opened April 21<sup>st</sup>, 1997 in the name of Wayne H. Norman, social security number 409-8\*-\*\*\*\*. A previous address on the account was 4709 Colby Drive, Killeen, TX 76542. The last payment, \$140.00, was received June 10<sup>th</sup>, 1997; the last purchase was made on July 25<sup>th</sup>, 1997. Due to delinquency, the account charged off/defaulted February 3<sup>rd</sup>, 1998 with a balance due of \$5,434.36.

In December 2005, RJM Acquisitions LLC purchased the above account from NCOP Capital.

Our records reveal that our first direct contact with you was on July 27<sup>th</sup>, 2010 when RJM Acquisitions LLC received a phone call from you in which you stated you had previously paid the account. Based on your claim, RJM Acquisitions LLC closed the above account.

In response to your claim that your credit report shows credit inquiries by RJM Acquisitions LLC, please be advised that RJM Acquisitions LLC has never pulled a credit report for you in the collection of the above account. It appears that the inquiries to which you refer is a program available to creditors/debt collectors that provides address updates (not credit reports). These inquiries are viewable on any credit report pulled by the consumer only; and are not seen by a potential creditor reviewing the consumer's credit history nor used in the calculation of the consumer's credit score.

The above account has been closed; RJM Acquisitions LLC has notified the credit reporting agencies to discontinue the program for future address updates. Your request for compensation is without merit and therefore denied.

Should you have any questions or if I can be of further assistance please do not hesitate to contact me at 516-714-1332.

Very truly yours,

  
Douglas I. Greenberg  
Director of Compliance

**THIS COMMUNICATION IS FROM A DEBT COLLECTOR**

JS 44 (TXND Rev. 2/10)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

NORMAN, WAYNE H.

(b) County of Residence of First Listed Plaintiff

TARRANT

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

## DEFENDANTS

RJM ACQUISITIONS, LLC

County of Residence of First Listed Defendant

NASSAU

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

8-11CV1330-D

## II. BASIS OF JURISDICTION

Place an "X" in One Box Only

☐ 1 U.S. Government Plaintiff☐ 3 Federal Question (U.S. Constitution or Federal Law) (Not a Party)☐ 2 U.S. Government Defendant☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State

PTF DEF

☒ 1 ☐ 1

Incorporated or Principal Place of Business In This State

PTF DEF

☐ 4 ☐ 4

Citizen of Another State

☐ 2 ☐ 2

Incorporated and Principal Place of Business In Another State

☐ 5 ☒ 5

Citizen or Subject of a Foreign Country

☐ 3 ☐ 3

Foreign Nation

☐ 6 ☐ 6

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
			<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

## V. ORIGIN

(Place an "X" in One Box Only)

☒ 1 Original Proceeding☐ 2 Removed from State Court☐ 3 Remanded from Appellate Court☐ 4 Reinstated or Reopened☐ 5 Transferred from another district (specify)☐ 6 Multidistrict Litigation☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 USC 1681 et seq 15 USC 1692 et seq

Brief description of cause:

VIOLATION OF THE FAIR CREDIT REPORTING ACT &amp; VIOLATION OF THE FCRA

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

10,350

CHECK YES only if demanded in complaint:

JURY DEMAND:

☒ Yes ☐ No

## VIII. RELATED CASE(S) (See instructions)

PENDING OR CLOSED:

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE